



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM:

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THE HONOURABLE MR.JUSTICE DR.G.JAYACHANDRAN

Crl.O.P(MD)No.22450 of 2018

and

Crl.M.P(MD)Nos.10538 & 10539 of 2018

1.Petchimuthu

2.Poongodi

... Petitioners/Accused Nos.1 & 2

-vs-

1.The Deputy Superintendent of Police,
Bodinayakkanur,
Rural Police Station,
Theni District.
Crime No.165 of 2017.

2.The Sub-Inspector of Police,
Bodinayakkanur,
Rural Police Station,
Theni District.

... Respondents 1 & 2/Complainants

3.V.Murugan

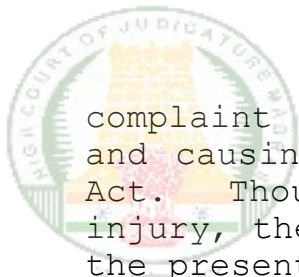
...3rd respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records of the final report in connection with Special S.C.No.32 of 2017, on the file of the learned Principal District and Sessions Judge, Theni and quash the same.

For Petitioner	:	Mr.K.Sathiyasingh
For R1 & R2	:	Mr.S.Ravi,
		Additional Public Prosecutor
For R3	:	Mr.T.Thirumurugan

O R D E R

This petition, to quash the criminal prosecution in connection with Spl.S.C.No.32 of 2017, on the file of the District and Sessions Judge, Theni, came to be filed on the ground that in the light of the Civil Court decree in O.S.No.92 of 2014, execution petition was filed by the decree holder, who is the first petitioner herein and possession sought to be taken in E.P.No.46 of 2015, while so, the third respondent, who is the defacto complainant, has made a false



complaint alleging as if there was a forcible eviction by trespass and causing hurt and also false allegation of offence under SC/ST Act. Though there was no prima facie material and there was no injury, the respondent police had filed the final report and hence, the present petition to quash.

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2. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that when the matter came up for admission, this Court passed an interim stay for limited period of four weeks and thereafter, the stay was not extended, hence, the trial Court has proceeded with the trial and so far 5 witnesses were examined and for examination of further witnesses, the matter stands posted on 24.03.2022.

3. The learned counsel appearing for the petitioners would submit that to avoid the execution of the decree, false complaint has been foisted. The second respondent instead of proper investigation has filed the final report, which has no substantial material to prove the allegations.

4. However, the counsel appearing for the third respondent, who is the defacto complainant, would state that since there is a prima facie material for the alleged offence, the investigating officer has filed the final report and the trial court has also sofar examined 5 witnesses. Therefore, they should participate for trial to prove their innocence.

5. In view of the above fact, this Court dispose this Criminal Original Petition with a direction to the trial Court to complete the trial within a period of three months from today. The appearance of the accused persons may be dispensed with on petition unless their presence is required for identification or for any other reason, if the trial Court feel so.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

am

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but,

<https://hcservices.ecourts.gov.in/hcservices/>



ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Principal District and Sessions Judge,
Theni

2.The Deputy Superintendent of Police,
Bodinayakkanur,
Rural Police Station,
Theni District.

3.The Sub-Inspector of Police,
Bodinayakkanur,
Rural Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-4040[F] dated
03/02/2022)

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-4061[F] dated
03/02/2022)

Crl.O.P(MD)No.22450 of 2018

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RK(10/02/2022) 3P 7C